

Application No.: 10/671,703

Docket No.: MWS-035

REMARKS

Claims 19-21 and 23-44 are currently pending in the application. Claims 19 and 34 have been amended herein. Claim 22 has been canceled without prejudice. The subject matter of claim 22 has been incorporated in claims 19 and 34. Claims 1-18 have been previously canceled. No new matter has been added. Applicants submit that all pending claims are in condition for allowance. Applicants respectfully request reconsideration of the outstanding rejections and allowance of all pending claims in view of the reasons set forth below.

I. Summary of Rejections

Claims 19-44 have been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Claims 19-22, 27-29, 31, 33-34, 36, and 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,256,625 B1 to Breyer et al. (hereafter "Breyer") in view of U.S. Patent 6,748,450 B1 to Dutta, (hereafter "Dutta").

Claims 23-26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Breyer, as modified by Dutta, and further in view of U.S. Patent 5,986,667 to Jevans, (hereafter "Jevans").

Claims 30 and 32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Breyer, as modified by Dutta, and further in view of U.S. Patent Application Publication 2003/0041163 A1 to Rhoades et al. (hereinafter "Rhoades").

Claims 35, 37-41 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Breyer, as modified by Dutta, and further in view of U.S. Patent 6,823,524 B1 to Hewett, (hereafter "Hewett").

Claims 44 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Breyer, as modified by Dutta, and further in view of "C# and the .Net Framework: The C++ Perspective" by Powell et al. (hereinafter "Powell").

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II. Amendments to the Claims

Claims 19 and 34 have been amended to recite "transferring" instead of "sending." Support for this amendment can be found throughout the specification and specifically at page 11, lines 2-8.

Claims 19 and 34 have been amended to recite "the data server providing a pointer indicating the location of the data object in the memory to identify the data object."

Claims 19 and 34 have been amended to recite "sharing the data object among the multiple data sink objects to prevent extraneous copies of the data."

III. Improper Final Rejection

Applicants respectfully submit that the final action is improper. Applicants refer to the MPEP § 706.07(a) that recites:

"Furthermore, a second or any subsequent action on the merits in any application or patent undergoing reexamination proceedings will not be made final if it includes a rejection, on newly cited art, other than information submitted in an information disclosure statement filed under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p), of any claim not amended by applicant or patent owner in spite of the fact that other claims may have been amended to require newly cited art."

Applicants respectfully submit that the Office Action includes the newly cited art, U.S. Patent 6,748,450 B1 to Dutta. The Dutta reference was not cited by the Applicants in an Information Disclosure Statement, as indicated by MPEP § 706.07(a). In the Response submitted on May 23, 2007, Applicants presented minor amendments to the independent claims 19 and 34. Specifically Applicants amended the claims to replace the language "transferring" with "sending." However, Applicants respectfully submit that the amendments had not necessitated a new search.

Accordingly, Applicants respectfully request the Examiner to withdraw the finality of the Office Action dated August 23, 2007.

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IV. Claim Rejections under 35 U.S.C. § 112

Claims 19-44 have been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner asserts that independent claims 19 and 34 recite "sending to," which is not specified in the disclosure.

Applicants have amended independent claims 19 and 34 to delete the language "sending to." Claims 19 and 34, as amended, recite "a data server object transferring to the data sink objects identification information identifying the data object." Support for this amendment can be found specifically at page 11, lines 2-8.

Claims 20, 21 and 23-33 depend from claim 19. Claims 35-44 depend from claim 34.

It is believed that the amendments to claims 19 and 34 address the Examiner's concerns. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 19-21 and 23-44 under 35 U.S.C. § 112.

V. Claim Rejections under 35 U.S.C. § 103**A. Claims 19-22, 27-29, 31, 33-34, 36, and 42-43**

Claims 19-22, 27-29, 31, 33-34, 36, and 42-43 are rejected under 35 U.S.C. § 103(a) as being unpatentable Breyer in view of Dutta. Applicants respectfully traverse this rejection.

1. Claim 19

Applicants respectfully submit that Breyer and Dutta, alone or in any reasonable combination, fail to disclose or suggest sharing the data object among the multiple data sink objects to prevent extraneous copies of the data as recited in amended claim 19.

In the Office Action, the Examiner indicates that Breyer teaches sharing the data object with other data sink objects to prevent extraneous copies of the data by discussing the IDispatch Interface at Col. 7, lines 64-67 and col. 8, lines 1-2, (Office Action, page 4, lines 7-11). Applicants respectfully disagree.

The IDispatch Interface is the viewer object used by Breyer to view the image objects. The sections identified by the Examiner discuss dynamically binding the viewer to the image

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object, (Col. 7, lines 65-67). When a first method is invoked, the viewer is passed an IDispatch interface for an image object. The IDispatch interface allows the viewer control to obtain the private interface for the image object. Once the image object's private interface is obtained, the viewer object invokes a second method on the private interface. The viewer's interface is passed to the image object as a parameter for dynamic binding. The image object has a reference to the viewer's private interface and the viewer has a reference to the image's private interface, (Col. 8, lines 26-37). As such, in Breyer, the image object and the viewer are referenced to each other.

In contrast, claim 19 recites **sharing the data object among the multiple data sink objects to prevent extraneous copies of the data**. As further recited in claim 19, the multiple data sink objects access the data object using the identification information. Breyer requires the image object and the viewer to be dynamically linked together. In Breyer, the viewer does not access the data object, they are bound together. Breyer does not teach or suggest multiple data sink objects **sharing the data object**, as recited in claim 19. Dutta fails at curing the shortcomings of Breyer with respect to at least this claim feature.

Dutta concerns enabling an overloaded or partially functional web server in an internet environment to receive an HTTP request for data from a client during a given communication session, (Abstract). The Web server of Dutta keeps track of the clients that send requests, and sends the data at later time in a different session of the network communication, (Col. 3, lines 26-30). The Web server sends the requested resource by e-mail or push techniques at a time when it is not overloaded. Alternatively, the Web server sends the basic abbreviated data to the client, such as the text only data, and then sends the full data later on via e-mail or push techniques, (Col. 3, lines 32-39). Dutta indicates the sending of the requested data to the clients. Thus, the Web server needs to create as many copies of the requested data (e.g. image) as the number of clients requesting it via the HTTP. As such, in Dutta the data object is not shared among clients. Dutta, alone or in combination with Breyer do not teach or suggest multiple data sink objects **sharing the data object**, as recited in claim 19.

Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claim 19 under U.S.C. § 103(a).

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2. Claims 20-22, 27-29, 31 and 33

Applicants have canceled claim 22, rendering the rejection moot.

Claims 20, 21, 27-29, 31 and 33 depend from amended claim 19 and, as such, incorporate each and every element of amended claim 19. In light of the arguments presented above, Breyer and Dutta, alone or in combination, do not disclose or suggest each and every element of claims 20, 21, 27, 28, 31 and 33. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 20, 21, 27-29, 31 and 33 under U.S.C. § 103(a).

3. Claim 34

Claim 34 recites similar elements to amended claim 19. Specifically, claim 34 recites, among other elements, **sharing the data object among the multiple data sink objects to prevent extraneous copies of the data**. In light of the arguments presented above, Breyer and Dutta, alone or in combination, do not disclose or suggest at least this claim element. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claim 34 under U.S.C. § 103(a).

4. Claims 36, 42 and 43

Claims 36, 42 and 43 depend from claim 34 and, as such, incorporate each and every element of claim 34. In light of the arguments presented above, Breyer and Dutta, alone or in combination, do not disclose or suggest each and every element of claims 36, 42 and 43. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 36, 42 and 43 under U.S.C. § 103(a).

B. Claims 23-26

Claims 23-26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Breyer, as modified by Dutta, and further in view of Jevans.

As presented above, Breyer and Dutta, alone or in any reasonable combination do not disclose or suggest **sharing the data object among the multiple data sink objects to prevent extraneous copies of the data** as recited in claim 19. Claims 23-26 depend from claim 19 and,

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as such, incorporate the patentable subject matter of claim 19. Jevans fails at curing the shortcomings of Breyer and Dutta with regard to at least this claim element.

Jevans concerns a graphics rendering system allowing retained-mode building and editing of a model, independently of the choice of renderer, (Col. 5, lines 57-60). Jevans indicates registering a renderer. Every object class in the Jevans' system, including renderer object classes is registered under the control of a procedure called by the application program so that their functionality is available when required, (Jevans, col. 11, lines 30-36).

Jevans, however, does not disclose or suggest **sharing the data object among the multiple data sink objects to prevent extraneous copies of the data**, as recited in claim 19. Jevans indicate attaching a renderer to a view object by calling a procedure and passing in the view object and the renderer object. Thus, in Jevans, the data object is not shared among multiple data sink objects.

Breyer, Dutta and Jevans, alone or in combination, do not disclose or suggest each and every element of amended claim 19. Accordingly, claims 23-26 are in condition for allowance for at least the reasons set forth above. Accordingly, Applicants respectfully request the Examiner withdraw the rejection of claims 23-26 under U.S.C. § 103(a).

C. Claims 30 and 32

Claims 30 and 32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Breyer, as modified by Dutta, and further in view of Rhoades.

As presented above, Breyer and Dutta, alone or in any reasonable combination do not disclose or suggest **sharing the data object among the multiple data sink objects to prevent extraneous copies of the data**, as recited in amended claim 19. Claims 30 and 32 depend from claim 19 and, as such, incorporate the patentable subject matter of claim 19. Rhoades fails at curing the shortcomings of Breyer and Dutta with regard to at least this claim element.

Rhoades presents a data processing architecture with an input device for receiving an incoming stream of data packets, and processing elements for processing the received data. The input device distributes data packets in whole or in part to the processing elements dependent upon the data processing bandwidth of the processing elements, (Abstract).

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The sections of Rhoades identified by the Examiner discuss real-time streams of data that can be framed into self contained segments, [0127]. Rhoades indicates that streams of datagrams flow between processors, [0132]. Rhoades further states forwarding the datagrams as a whole, [0151]. Thus, Rhoades does not disclose or suggest **sharing the data object among the multiple data sink objects to prevent extraneous copies of the data**, as recited in claim 19.

Breyer, Dutta and Rhoades, alone or in combination, do not disclose or suggest each and every element of claim 19. Accordingly, claims 30 and 32 is in condition for allowance for at least the reasons set forth above. Accordingly, Applicants respectfully request the Examiner withdraw the rejection of claim 32 under U.S.C. § 103(a).

D. Claims 35 and 37-41

Claims 35 and 37-41 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Breyer, as modified by Dutta, and further in view of Hewett.

As presented above, Breyer and Dutta, alone or in any reasonable combination do not disclose or suggest **sharing the data object among the multiple data sink objects to prevent extraneous copies of the data**, as recited in claim 34. Claims 35 and 37-41 depend from claim 34 and, as such, incorporate the patentable subject matter of claim 34. Hewett fails at curing the shortcomings of Breyer and Dutta with regard to at least this claim element.

Hewett is cited by the Examiner to provide teachings for the feature added in claims 35 and 37-41. Hewett discusses managing the distribution of events in a data processing system. Hewett, however, does not disclose or suggest **sharing the data object among the multiple data sink objects to prevent extraneous copies of the data**, as recited in claim 34.

Furthermore, the Examiner indicates that Breyer and Dutta do not explicitly teach a data sink listener object that is registered with one or more of the data sink objects, (Office Action, page 8, § 29). Applicants submit that Hewett too fails to disclose or suggest this claim element.

Hewett does not teach "a data sink listener object that is registered with two or more of the data sink objects," as recited in claim 35. The Examiner refers to Hewett, Fig. 5, and column 4, lines 27-30 for teaching this claim element, (Office Action, page 8, § 29). In the referenced

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portion, Hewett indicates that "an event generator object (A), referenced by numeral 30, generates events to event listener objects (B) and (C), referenced by numerals 32 and 34, respectively," (Hewett, col. 4, lines 21-24). Hewett also teaches that "the event generator object 30 also creates a NotifyListenerManager (NLM) object 38 to register and deregister event listeners, and to manage event calls," (Hewett, col. 4, lines 27-30). The NLD object registers and deregisters event listeners to the event generator. In Hewett, the event listeners are registered with a single event generator.

Breyer, Dutta and Hewett, alone or in combination, do not disclose or suggest each and every element of claim 34. Accordingly, claims 35 and 37-41 are in condition for allowance for at least the reasons set forth above. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 35 and 37-41 under U.S.C. § 103(a).

E. Claim 44

Claim 44 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Breyer, as modified by Dutta, and further in view of Powell.

Claim 44 depends from claim 34 and, as such, incorporates the patentable subject matter of claim 34. Powell is cited by the Examiner to provide teachings for the feature added in claim 44. Powell provides an overview of C# and the .NET framework for the C++ programmers. Powell, however, does not disclose or suggest **sharing the data object among the multiple data sink objects to prevent extraneous copies of the data**, as recited in claim 34.

Breyer, Dutta and Powell, alone or in combination, do not disclose or suggest each and every element of claim 34. Accordingly, claim 44 is in condition for allowance for at least the reasons set forth above. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claim 44 under U.S.C. § 103(a).

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CONCLUSION

In view of the above comments, Applicants believe the pending application is in condition for allowance and urges the Examiner to pass the claims to allowance. Should the Examiner feel that a teleconference would expedite the prosecution of this application, the Examiner is urged to contact the Applicants' attorney at (617) 227-7400.

Please charge any shortage or credit any overpayment of fees to our Deposit Account No. 12-0080, under Order No. MWS-035. In the event that a petition for an extension of time is required to be submitted herewith, and the requisite petition does not accompany this response, the undersigned hereby petitions under 37 C.F.R. § 1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized to be charged to the aforementioned Deposit Account.

Dated: December 12, 2007

Respectfully submitted,

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